

May 21, 2015

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 9

ALL MEMBERS PRESENT.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

- 1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 10E-13 (2015)
COUNTY EXECUTIVE: “EC Sewer District No. 5 - Engineer Term Agreement - DiDonato Associates”
(6-0)
 - b. COMM. 10D-5 (2015)
CLERK OF THE LEGISLATURE: “NYS DEC Documents Received”
(6-0)

2. COMM. 10E-10 (2015)
COUNTY EXECUTIVE
WHEREAS, the NYSDOT has undertaken road improvements to Niagara Street in the City of Tonawanda; and

WHEREAS, said project is identified as NYSDOT PIN 5757.57.221; and

WHEREAS, said improvements required acquisition through eminent domain of certain County lands, thereby insuring the establishment of a proper work area; and

WHEREAS, said parcels have been identified on NYSDOT Map 1, Parcel 1 (Fee) and Map 4, Parcel 5 (Temporary Easement) in the City of Tonawanda, County of Erie; and

WHEREAS, said maps are on file with the Erie County Department of Parks, Recreation and Forestry.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the Erie County Executive to execute an Agreement of Adjustment and/or an Agreement for Advance Payment and any and all other documents prepared by the New York State Department of Law for the acquisition of property regarding the reconstruction of the culvert (No. 530266) under Niagara Street with the NYSDOT PIN 5757.57.221 Project: City of Tonawanda: Niagara Street for the acquisition of Map 1, Parcel 1 (Fee) and Map 4, Parcel

5 (Temporary Easement) in the City of Tonawanda, County of Erie, in the amount of \$7,100 plus interest; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive’s Office; the Comptroller’s Office; the Director of the Division of Budget and Management; the County Attorney; the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor; and the Commissioner of the Department of Parks, Recreation and Forestry, Rath Building, 13th Floor.
(6-0)

3. COMM. 10E-11 (2015)
COUNTY EXECUTIVE
WHEREAS, in 2005 the County Legislature of the County of Erie, New York (the “County Legislature”) adopted an Increase and Improvements of Facilities Plan (the "2005 Plan") for Sewer District No. 3 (the "District") which provided for the expenditure of \$9,100,000 to finance the connection of the Village of Blasdell service area to the Southtowns Advanced Wastewater Treatment Facility (the "Project"); and

WHEREAS, several of the components of the Project have been completed; and

WHEREAS, at the direction of the County Legislature, the Erie County Sewer Agency and the Erie County Department of Environment and Planning caused a report entitled *Erie County Sewer Agency Report - Erie County Sewer District No. 3 For A Modifications of Plans (2015)* (the "Report") to be prepared, which Report recommends the modification of the 2005 Plan and the approval of certain additional improvements within the District, including but not limited to improvements to the Southtowns Advanced Wastewater Treatment Facility and the implementation of the Rush Creek Interceptor project (the "Modification of Plans"); and

WHEREAS, on February 27, 2015, the Board of Managers of the District (the “Board of Managers”) accepted and adopted the Report and recommended that the Report be submitted to the County Legislature for consideration and action; and

WHEREAS, the Report and the recommendation of the Board of Managers was filed with the County Legislature on February 26, 2015; and

WHEREAS, the Modification of Plans will not result in an increase in the amount of the estimates or the original bond authorization set forth in the 2005 Report, of which there is currently \$3,192,000 in unused authorization; and

WHEREAS, said County Legislature duly adopted Resolution 5E-20 on the 26th day of March, 2015, calling a meeting of the County Legislature for the purpose of holding a public hearing to consider the Modification of Plans in accordance with the provisions of Section 253-b of the County Law; and

WHEREAS, notice of said public hearing was duly published in substantially the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4th floor, in Buffalo, New York, in said County, on the 15th day of April, 2015, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, said County Legislature has duly considered the evidence given at such public hearing;

NOW THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to modify the plans for the facilities of Erie County Sewer District No. 3 in the County of Erie, New York, all as more fully described in the preambles hereof and in the Report, and such Modification of Plans for the improvement of facilities for the District is hereby authorized..

Section 2. This resolution shall take effect immediately.
(6-0)

TED B. MORTON
CHAIR